

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**CHAPTER 13 PLAN
AND RELATED MOTIONS**

Name of Debtor(s)

Lewis II, Alvin Delano
xxx-xx-6036

Case No: 07-34122

This plan, dated 3/6/2008, is:

the *first* Chapter 13 plan filed in this case.
 a modified plan, which replaces the plan dated 11/5/07.

Date and Time of Plan Confirmation Hearing:
April 23, 2008 at 09:00 AM

Place of Plan Confirmation Hearing:

Judge Kevin R. Huenneken, 1100 E. Main Street, Room 345, Richmond, VA 23219

The plan provisions modified by this filing are:

1, 3, 5

Creditors affected by this modification are:

all

NOTICE: YOUR RIGHT WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you **MUST** file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contract my be granted, without further notice or hearing unless written objection is filed no later than (10) days prior to the date set for the confirmation hearing date and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$473,512.50
Total Non-Priority Unsecured Debt: \$17,867.81
Total Priority Debt: \$5,514.00
Total Secured Debt: \$441,429.27

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$804.00 per month for 4 months**. Other payments to the Trustee are as follows: **\$2,275.00 per month for 56 months**. The total amount to be paid into the plan is **\$130,616.00**.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtors(s)' attorney will be paid **\$3,154.00** balance due of the total fee of **\$3,000.00** and cost of **\$260.00** concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above :

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
County of Henrico	taxes	\$800.00	\$17.39 x 46 mos.
VA Dept. of Taxation	taxes	\$1,200.00	\$26.08 x 46 mos.

3. Secured Creditors and Motions to Value Collateral.

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtor(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which § 506 Valuation is NOT Applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, this interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

<u>(a)</u> <u>Creditor</u>	<u>(b)</u> <u>Collateral</u>	<u>(c)</u> <u>Purchase Date</u>	<u>(d)</u> <u>Est. Claim Amt</u>	<u>(e)</u> <u>Interest Rate</u>	<u>(f)</u> <u>Monthly Paymt and Est. term**</u>
Gemb/Toro riding	lawnmower	8/10/06	\$5,675.00	10%	\$145.27 x 46 mos.
Mercedes Benz Fin	2001 Mercedes Benz	9/2/05	\$32,969.00	10%	\$870.59 x 46 mos.
GMAC	2006 Chev Silverado	5/4/06	\$33,962.96	10%	\$897.36 x 48 mos.

B. Claims to Which § 506 Valuation is Applicable. Claims listed in this subsection consist any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) base upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate state in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value	(e) Interest Rate	(f) Monthly Paymt and Est. term**
None					

****THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

C. Collateral to be surrendered. Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor may hold a non-priority, unsecured claim for a timely filed deficiency claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

Creditor	Collateral Description	Estimated Total Claim	Full Satisfaction (Y/N)
None			

4. Unsecured Claims.

A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately **100%**. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately **100%**.

B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
None		

5.

Long Term Debts and Claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

A. Debtor(s) to pay claim directly. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Estimated Cure Period</u>	<u>Monthly Arrearage Payment</u>
Ford Motor Credit	1999 Chev Suburban	\$576.00	n/a	n/a	n/a	n/a
Hartley Davidson	2006 Harley M/C	\$429.00	n/a	n/a	n/a	n/a
Countrywide Home	residence	\$2,665.00	\$2,965.00	0	36 mos.	\$82.36

B. Trustee to pay the contract payments and the arrearages. The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Payment</u>
None						

6. **Executory Contracts and Unexpired Leases.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
None	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearage, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for arrears</u>	<u>Estimated cure period</u>
None				

7.

Motions to Avoid Liens.

A. **The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemption. **Unless written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis</u>	<u>Exemption amount</u>	<u>Value of Collateral</u>
None				

B. **Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u>	<u>Type of lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
None			

8.

Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

9.

Vesting of Property of the Estate. Property of the estate shall vest in the debtor(s) upon confirmation of plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

10.

Incurrence of indebtedness. During the term of the plan, the debtor(s) shall not incur additional indebtedness in an amount exceeding \$5,000.00 without approval of the court.

11.

Other provisions of this plan:

**Mercedes Benz Financial
2001 Mercedes Benz
APD: \$529.16**

**GMAC
2006 Ford Silverado
\$142.70**

In re **Alvin Delano Lewis, II**Case No. 07-34122

(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status:	Dependents of Debtor and Spouse				
	Relationship:	son mother Spouse	Age: 3 59	Relationship:	Age:
Married					
Employment	Debtor (# of additional employers: 1)			Spouse	
Occupation	Postal Worker			Letter Carrier	
Name of Employer	USPS			USPS	
How Long Employed	19 yrs				
Address of Employer	1801 Brook Road Richmond, VA 23223				

INCOME: (Estimate of average or projected monthly income at time case filed)			DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)			\$8,089.83	\$4,412.74
2. Estimate monthly overtime			\$0.00	\$0.00
3. SUBTOTAL			\$8,089.83	\$4,412.74
4. LESS PAYROLL DEDUCTIONS				
a. Payroll taxes (includes social security tax if b. is zero)			\$2,798.83	\$983.90
b. Social Security Tax			\$0.00	\$0.00
c. Medicare			\$0.00	\$0.00
d. Insurance			\$31.20	\$115.92
e. Union dues			\$0.00	\$0.00
f. Retirement	/ retirement		\$0.00	\$31.39
g. Other (Specify)	Union Dues	/ Union due	\$36.83	\$18.55
h. Other (Specify)	Charity	/ savings	\$10.83	\$65.00
i. Other (Specify)	Bond	/ TSPLG	\$10.83	\$212.46
j. Other (Specify)	thrift saving loan	/ TSPLR	\$265.87	\$166.83
k. Other (Specify)	thrift saving loan		\$495.15	\$0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS			\$3,649.54	\$1,594.05
6. TOTAL NET MONTHLY TAKE HOME PAY			\$4,440.29	\$2,818.69
7. Regular income from operation of business or profession or farm (Attach detailed stmt)			\$1,133.33	\$0.00
8. Income from real property			\$0.00	\$0.00
9. Interest and dividends			\$0.00	\$0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above			\$0.00	\$0.00
11. Social security or government assistance (Specify):			\$0.00	\$0.00
12. Pension or retirement income			\$0.00	\$0.00
13. Other monthly income (Specify):				
a.	/ Army Reserve		\$0.00	\$200.00
b.			\$0.00	\$1,000.00
c.			\$0.00	\$0.00
14. SUBTOTAL OF LINES 7 THROUGH 13			\$1,133.33	\$1,200.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)			\$5,573.62	\$4,018.69
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)				\$9,592.31
			(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)	
17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:				
None.				

In re **Alvin Delano Lewis, II**Case No. 07-34122

(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)*Continuation Sheet No. 1***Additional Employment**

Employment	Debtor	Spouse
Occupation	Reserve Soldier	
Name of Employer	U.S. Army Reserve	
How Long Employed	5 yrs	
Address of Employer		
Employment	Debtor	Spouse
Occupation		
Name of Employer		
How Long Employed		
Address of Employer		

IN RE: **Alvin Delano Lewis, II**

CASE NO **07-34122**

CHAPTER **13**

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.

Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$2,665.00
a. Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Utilities: a. Electricity and heating fuel	\$150.00
b. Water and sewer	\$75.00
c. Telephone	\$75.00
d. Other: cell phone	\$80.00
3. Home maintenance (repairs and upkeep)	
4. Food	\$500.00
5. Clothing	\$10.00
6. Laundry and dry cleaning	\$10.00
7. Medical and dental expenses	
8. Transportation (not including car payments)	\$100.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	
10. Charitable contributions	
11. Insurance (not deducted from wages or included in home mortgage payments)	
a. Homeowner's or renter's	
b. Life	
c. Health	
d. Auto	\$300.00
e. Other:	
12. Taxes (not deducted from wages or included in home mortgage payments)	\$83.33
Specify: Personal Property Taxes	
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)	
a. Auto: Chev Silverado	\$761.00
b. Other: cable	\$100.00
c. Other: Suburban Payment	\$576.00
d. Other: Harley Payment	\$429.00
14. Alimony, maintenance, and support paid to others:	
15. Payments for support of add'l dependents not living at your home:	
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$578.29
17.a. Other:	
17.b. Other:	
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$6,492.62
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: None.	
20. STATEMENT OF MONTHLY NET INCOME	
a. Average monthly income from Line 15 of Schedule I	\$9,592.31
b. Average monthly expenses from Line 18 above	\$6,492.62
c. Monthly net income (a. minus b.)	\$3,099.69

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE: **Alvin Delano Lewis, II**CASE NO **07-34122**CHAPTER **13**

EXHIBIT TO SCHEDULE J

Itemized Business Expenses

Lewis Landscaping

Expense	Category	Amount
Maintenance	Maintenance	\$16.66
	Total >	\$16.66

Itemized Business Expenses

Newspapers-Alvin D. Lewis

Expense	Category	Amount
supplies	Supplies	\$50.00
Maintenance	Maintenance	\$33.30
entertainment	Entertainment	\$30.00
Vehicle Expenses	Transportation	\$448.33
	Total >	\$561.63

Alvin Delano Lewis, II
3408 Eagles Roost Road
Richmond, VA 23223

County of Henrico, Virginia
Dept. of Finance
PO Box 27032
Richmond, VA 23273-7032

Mercedes-Benz Financia
27777 Inkster Rd
Farmington Hills, MI 48334

Bk Of Amer
4060 Ogletown/stan De5-019-03-
07
Newark, DE 19713

Exchange Credit Program
P.O. Box 78731
Phoenix, AZ 85062-8731

Merrick Bank Corporation
Po Box 5000
Draper, UT 84020

Capital One*
PO Box 85168
Richmond, VA 23285

Ford Motor Credit Corporation
Po Box Box 542000
Omaha, NE 68154

Mil Star
3911 Walton Walker
Dallas, TX 75266

Carl M. Bates
P.O. Box 1819
Richmond, VA 23218-1819

G M A C
Po Box 2150
Greeley, CO 80632

Robert Van Arsdale
Acting Assistant U.S. Trustee
600 East Main St., Ste 301
Richmond, VA 23219

Citi Shell
Credit Bureau Disp Po Box 6003
Hagerstown, MD 21747

Gemb/oldnavy
Po Box 981400
El Paso, TX 79998

U.S. Trustee Office
600 E. Main St., Suite 120
Richmond, VA 23219

Citi-citgo
Credit Bureau Disp Po Box 6003
Hagerstown, MD 21747

Gemb/toro
Po Box 981439
El Paso, TX 79998

VA Dept of Taxation*
P.O. Box 2156
Richmond, VA 23218

Citi-shell
Credit Bureau Disp Po Box 6003
Hagerstown, MD 21747

Harley Davidson Financial
3850 Arrowhead Dri
Carson City, NV 89706

Washmtl/prov
Pob 660509
Dallas, TX 75266

Collection (Progressive Ins
Po Box 9134
Needham, MA 02494

Hsbc Nv
Po Box 19360
Portland, OR 97280

Collection (Progressive Ins.
Po Box 9134
Needham, MA 02494

Krumbein & Associates, PLLC
1650 Willow Lawn Drive, Ste
300
Richmond, VA 23230

Countrywide Home Lending
450 American St Credit
Reporting S
Simi Valley, CA 93065

MCV Collections Department
PO Box 980462
Richmond, VA 23298

Signature:

Date: 3/6/2008

/s/Lewis II, Alvin Delano
Debtor

/s/**Jason Krumbein**
Jason Krumbein, VSB#43538

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);**
Matrix of Parties Served with plan

Certificate of Service

I certify that on 3/6/2008, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service list.

/s/**Jason Krumbein**
Jason Krumbein, VSB #43538
1650 Willow Lawn Drive, Ste 300
Richmond, VA 23230
(804) 673-4358

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In Re:
Lewis II, Alvin Delano
xxx-xx-6036

Case No: 07-34122
Chapter 13

Debtor(s)

SPECIAL NOTICE TO SECURED CREDITOR

To: GEMB/Toro, Attn: _____
Name of Creditor

riding lawnmower
Description of collateral

To: Mercedes Benz Financial, Attn: _____
Name of Creditor

2001 Mercedes Benz SL
Description of collateral

To: Ford Motor Credit Corp, Attn: _____
Name of Creditor

1999 Chev Suburban
Description of collateral

To: GMAC, Attn: _____
Name of Creditor

2006 Chev Silverado
Description of collateral

To: Harley Davidson Financial, Attn: _____
Name of Creditor

2006 Harley Davidson Motorcycle
Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (check one):

- To value your collateral. *See Section 3 of the plan.* Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. *See Section 7 of the plan.* All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the specified and appear

at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due: April 11, 2008
Date and time of confirmation hearing: April 23, 2008 at 09:00 AM
Place of confirmation hearing: Judge Kevin R. Huenneken, Courtroom
1100 E. Main Street, Room 345
Richmond, VA 23219

Lewis II, Alvin Delano
Name(s) of Debtor(s)

By: /s/Jason Krumbein
Jason Krumbein, VSB#43538
1650 Willow Lawn Drive, Ste 300
Richmond, VA 23230
(804) 673-4358
(804) 673-4350 fax

CERTIFICATE OF SERVICE

I hereby certify that a true copies of the foregoing Notice and attached Chapter 13 plan and Related Motions were served upon the creditor noted above by

first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or
 certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this March 6, 2008.

/s/Jason Krumbein
Jason Krumbein, VSB#43538
Attorney for Debtor(s)